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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,233	07/18/2003	Ronald G. Brown	3172	2728

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EXAMINER	
BOCHNA, DAVID	

ART UNIT	PAPER NUMBER
3679	

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/623,233	BROWN, RONALD G.
	Examiner	Art Unit
	David E. Bochna	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

> The oath or declaration is defective because:
> It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Additionally, the Applicant failed to provide a date along with the signature on the declaration.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of claims 8 and 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7 and 9-15, are rejected under 35 U.S.C. 102(b) as being anticipated by Kuo.

In regard to claim 1, Kuo discloses a swivel fitting, which comprises:

a body 4 including a proximal, contact section with a first contact surface 41 and a distal stem 43 section extending from the contact section;

said body including proximal and distal ends located at said contact and stem sections respectively;

a body bore extending through said body and open at said ends;

a housing 2 including an outer surface and a receiver including a second contact surface 11;

said receiver receiving said contact section with said contact surfaces in engagement; and

said contact surfaces being slidable with respect to each other whereby said body is pivotably received in said housing.

In regard to claim 2, the first and second contact surfaces having frusto-spherical configurations;

said stem section 43 having a generally cylindrical configuration;

said body including an axis extending coaxially through said bore;

said housing having an annular configuration; and

said body being multi-axially pivotably received in said housing.

In regard to claim 3, the housing including an annular seal 3 including said receiver contact surface and an annular sleeve 2 receiving said seal.

In regard to claim 4, the body 4 comprises a material chosen from among: metal, plastic, glass, rubber, elastomer, clay and concrete.

In regard to claim 5, the housing 2 comprises a material chosen from among: metal, plastic, glass, rubber, elastomer, clay and concrete.

In regard to claim 6 the seal 3 comprises a material chosen from among: metal, plastic, glass, rubber and elastomer.

In regard to claim 7, said body 4 and said housing assembly 1 have circular cross-sectional configurations.

In regard to claim 9, said stem section includes means 82 for connecting same in sealing engagement with an in-line component 53.

In regard to claim 10 said stem section connecting means is chosen from among a compression seal 7.

In regard to claim 11 said housing outer surface includes means 12 (bolt) for connecting same in sealing engagement with an in-line component.

In regard to claim 12, said housing outer surface connecting means is chosen from among external threads (on bolt).

In regard to claim 13, Kuo discloses a fluid connection system for connecting first and second fluid components positioned in displaced misalignment or dynamic relationship with respect to each other, which system comprises:

first 4 and second 5 multi-axis swivel fittings connected to said first 1 and second 1 components respectively,

each said fitting including: a body 41, 51 with a proximal contact section having a frusto-spherical contact surface and a distal stem section 43, 53 extending coaxially therefrom; proximal and distal body ends located at said contact and stem sections respectively;

a body bore extending between and open at said body ends; and a housing assembly 1 including an annular seal 3 forming a socket with a frusto-spherical contact surface and an annular sleeve 2 receiving said seal;

said contact surfaces being in sliding engagement with said body contact sections multi-axially pivotably received in respective said sockets;

a first component connector 12 (bolts connecting 1 and 2) fluidically connecting said first component to said first fitting;

an intermediate connector 8 fluidically connecting said first and second fittings;

a second component connector 12 (bolts connecting 1 and 2) fluidically connecting said second fitting to said second component; and

said fittings being independently, multi-axially pivotable whereby said system is adapted for universal, adjustable offset alignment of the components.

In regard to claim 14, said first component connector (bolt) being connected to said first fitting sleeve 1;

said intermediate connector 8 being connected to said body distal ends of said first and second fittings; and

said second component connector (bolt) being connected to said second fitting sleeve 1.

In regard to claim 15, said first component connector comprising a bell end 11 mounted on said first component 1 and including an open end receiving said first fitting sleeve 41;

said intermediate connector 8 having a tubular configuration with first and second ends receiving said distal body ends of said first 43 and second 53 fittings respectively; and

said second component connector comprising a bell end(11 on 5) mounted on said second

component 1 and including an open end receiving said second fitting sleeve 51.

5. Claims 13 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Halling.

In regard to claim 13, Halling discloses a fluid connection system for connecting first and second fluid components positioned in displaced misalignment or dynamic relationship with respect to each other, which system comprises:

first 4 and second 5 multi-axis swivel fittings connected to said first 12 and second 14 components respectively,

each said fitting including: a body 24, 28 with a proximal contact section having a frusto-spherical contact surface and a distal stem section 54 extending coaxially therefrom;

proximal and distal body ends located at said contact and stem sections respectively;

a body bore extending between and open at said body ends; and a housing assembly 16, 18 including an annular seal 43 forming a socket with a frusto-spherical contact surface 46 and an annular sleeve 39 receiving said seal;

said contact surfaces being in sliding engagement with said body contact sections multi-axially pivotably received in respective said sockets;

a first component connector 16 fluidically connecting said first component to said first fitting;

an intermediate connector 63 fluidically connecting said first and second fittings;

a second component connector 18 fluidically connecting said second fitting to said second component; and

said fittings being independently, multi-axially pivotable whereby said system is adapted for universal, adjustable offset alignment of the components.

In regard to claim 16, said first component connector comprising a bell end 16 mounted on said first component 12 and including an open end receiving said first fitting sleeve,

said intermediate connector comprising a neck 54 with a hollow, tubular configuration and integrally formed with said first and second fitting bodies 24, 28;

said bores extending continuously through said bodies and said neck; and

said second component connector 18 comprising a bell end mounted on said second component 14 and including an open end receiving said second fitting sleeve.

In regard to claim 17, said bodies comprising a unitary component with a maximum diameter at said body contact surfaces 24, 28 and a reduced diameter at said neck 54; and said seal contact surfaces forming frusto-spherical configurations for slidably receiving said body contact surfaces in sealing engagement.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo. Kuo discloses a fitting as described above, but does not disclose that the housing assembly has a polygonal cross-section. However, it would have been obvious to a person having ordinary skill in the art to make the housing assembly have a polygonal shape because a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966).

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo in view of Jacques. Kuo discloses a swivel connection as described above, but does not disclose that the distal body end includes an annular lip forming a stop adapted for engaging a respective seal. Jacques teaches that providing an annular lip 23 forming a stop engaging a respective seal 20 is common and well known in the art. Therefore it would have been obvious to a person having ordinary skill in the art to provide the body disclosed by Kuo with an annular lip, because the practice of supplying the body with an annular lip is common and well known in the art, as demonstrated by Jacques.

9. Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuo in view of Vidrine et al.

In regard to claim 19 Kuo discloses a swivel connection as described above, but does not disclose that the swivel joint is connected to a saddle connector mounted on a sewer pipe. Vidrine et al. teaches that attaching saddle clamps 70 with swivel couplings 10 to sewer lines is common and well known in the art. Therefore it would have been obvious to a person having ordinary skill in the art to attach the swivel coupling disclosed by Kuo to sewer lines, because the practice of applying swivel saddle clamps to sewer lines is common and well known in the art, as demonstrated by Vidrine et al.

In regard to claim 20, said intermediate connector 8 comprises a tubular component with first and second ends receiving said stem sections of said first and second fittings respectively.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Saito et al., Kitani et al., Sato et al., Thelen et al., Sato '617, Shotbolt, Borodin et al.,

Deurloo, Bramson et al., Scoville, Milz, Greenlaw et al., Stoddard, and Japanese Patent 1,269,791 all disclose similar couplings common in the art.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

David Bochna
Primary Examiner
Art Unit 3679
May 11, 2004